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US EPA RECORDS CENTER REGION 5



462460

APR 06 2001

April 4, 2001

VIA FEDERAL EXPRESS

U.S. Environmental Protection Agency
Ms. Deena Sheppard-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: Chemical Recovery Systems Site, Elyria, Ohio - Response of Hukill
Chemical Corporation to CERCLA § 104(e) Request for Information

Dear Ms. Sheppard-Johnson:

On March 6, 2001, Hukill Chemical Corporation ("HCC") received a General Notice of Potential Liability and Request for Information ("Notice") regarding the Chemical Recovery Systems Site, in Elyria, Ohio (the "Site"). By letter dated March 23, 2001, HCC responded to the General Notice portion of the Notice. The purpose of this letter is to provide HCC's responses to the CERCLA § 104(e) Request for Information portion of the Notice.

As a preliminary matter, HCC objects to the Requests for Information to the extent that they exceed U.S. EPA's authority under CERCLA § 104(e). In particular, HCC objects to Instruction No. 6, which directs HCC to supplement its responses, and Instruction No. 9, which requires HCC to certify its responses. Furthermore, HCC objects that the Requests for Information regarding "materials" and "hazardous materials" are vague, in that such terms are not defined, and overbroad, to the extent that they seek information on substances that are not regulated under CERCLA. Notwithstanding these objections, HCC has conducted an investigation of reasonably available information and documents and believes that its responses are accurate and complete as of the time of their submission.

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Briefly, HCC's investigation did not reveal any information indicating that it arranged for treatment or disposal or arranged for transportation for disposal or treatment of any hazardous substances at the Site. HCC's responses are as follows:

1. Robert L. Hukill
Hukill Chemical Corporation
7013 Krick Road
Bedford, Ohio 44146

Robert Lang
Hukill Chemical Corporation
7013 Krick Road
Bedford, Ohio 44146

Harold Youngless
Reclaim Operator (1952-1970) and Processing Supervisor (1970-1984)
Hukill Chemical Corporation

2. HCC searched its files for copies of invoices, sales and correspondence for the period between 1978 and 1982; however, no such documents were found. HCC also reviewed handwritten Inbound/Outbound records for the period from May 1958 through June 1976 and the company's Annual Generator's Reports submitted to Ohio EPA. Other than the documents identified herein, HCC did not find any other documents from the relevant time period.

3. HCC is unaware of any persons who may be able to provide a more detailed or complete response to any question or who may be able to provide responsive documents.

4. HCC's EPA Identification Number is OHD001926740.

5. HCC is unaware of any acts or omissions of any person who may have caused the release or threat of a release of hazardous substances, pollutants or contaminants and any damages resulting therefrom at the Site.

6. Except as set forth in its response to Question No. 1, HCC has no information regarding the identity of persons who have knowledge or information about the generation, use, treatment, storage, disposal or other handling of material at or transportation of material to the Site.

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7. HCC was unable to locate any information to indicate that it had any "arrangements" with any of the companies or persons listed in Question No. 7. In fact, during the relevant time period, Chemical Recovery Systems was a competitor with whom HCC would have been unlikely to do business. Although HCC has received a copies of four "Dirty Inventory" lists provided by U.S. EPA, one of which identifies HCC with respect to two drums of muriatic acid on October 3 (presumably 1980), HCC did not locate any documents to confirm that it shipped muriatic acid to the Site. In fact, HCC has sold virgin acids since 1960. However, HCC would not have used the Site for acid disposal because HCC either neutralized its virgin acid waste on-site or used other facilities for spent acid waste. Furthermore, the Site was solvent recovery facility, not an acid waste disposal facility. HCC believes that any shipment of muriatic acid it may have made to the Site would have been pursuant to a sale to Chemical Recovery Systems for the purpose of boiler treatment, descaling of steel or another useful purpose, and not for waste disposal.

8. HCC has no information to indicate that it generated hazardous materials that were sent to the Site. Furthermore, with the possible exception of the sale of virgin acids to CRS, as described in No. 7 above, HCC has no information that suggests that it transported any material to the Site.

9. Based on its investigation and past practices, HCC believes that it did not arrange for disposal or treatment or arranged for transportation for disposal or treatment of any materials at the Site, nor is HCC aware of any other person who might have done so.

10. Given that there is no documentation which indicates that HCC is liable for response actions at the Site, HCC believes that U.S. EPA's request for copies of all liability insurance policies held from 1960 to the present is irrelevant, premature and unduly burdensome. If U.S. EPA provides information which reasonably supports its position that HCC is a "responsible party" under CERCLA with respect to the Site, HCC would be willing to reconsider its response to this question.

11. With respect to U.S. EPA's request for copies of all income tax returns for the last five years, HCC incorporates by reference its response to Question No. 10.

12. With respect to U.S. EPA's request for copies of HCC's articles of incorporation and by-laws, financial statements for the past five years, identification of all of HCC's current assets and liabilities and the person(s) responsible for such assets and liabilities and the identity of HCC's parent corporation and all subsidiaries, HCC incorporates by reference its response to Question No. 10.

13. Not applicable.

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14. Not applicable.

In conclusion, neither HCC's investigation nor the information provided by U.S. EPA provides any basis for holding HCC responsible for response costs at the Site. To the extent that U.S. EPA has information regarding a possible transaction with the Site, HCC's past practices suggest that a shipment of muriadic acid would have been in connection with a sale of such acid for use in boiler treatment or steel descaling, not for the purpose of disposal. Accordingly, HCC respectfully requests that U.S. EPA reconsider its decision to name HCC as a potentially responsible party with respect to the Site and submits that it should have no liability under CERCLA associated with the Site.

Thank you for your consideration. If you have any questions regarding these responses, please feel free to contact me.

Very truly yours,



Susan R. Strom

cc: Mr. Robert Hukill
Thomas Nash, Esq.
John P. Batt, Esq.

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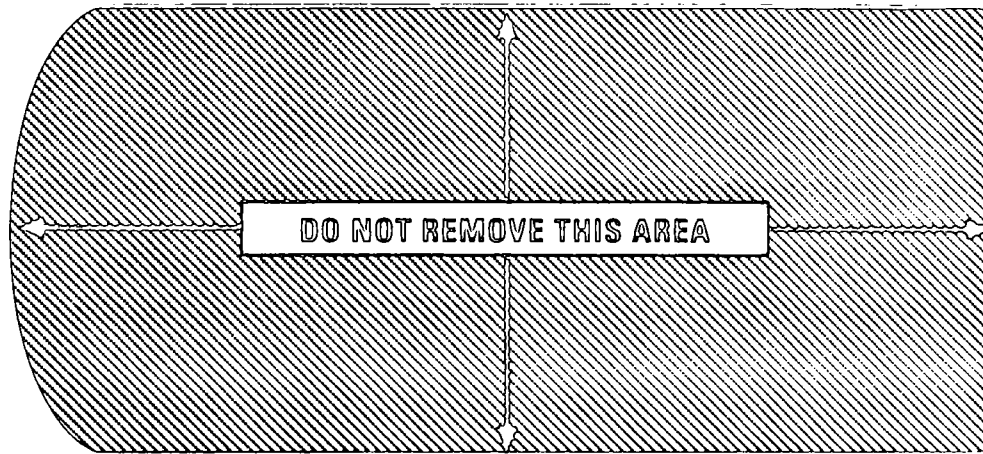
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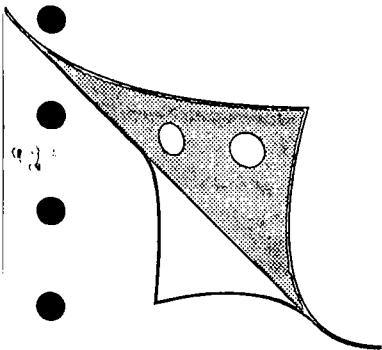
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